IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 612 OF 2007

MR. RATUL SHARMA ... Petitioner
Versus
STATE OF GOA THROUGH CHIEF SECRETARY AND 4 ORS., ... Respondents

Mr. Shivan Dessai, Advocate for the Petitioner.

Ms. Winnie Coutinho, Government Advocate for Respondent No.1 and 2.

Mr. S. D. Lotlikar, Senior Advocate with Mr. P. Lotlikar, Advocate for Respondent No.4.

Mr. Nitin Sardessai, Advocate for Respondent No.3.

Coram:- D. B. BHOSALE &
N. A. BRITTO, JJ.

Date:- 12th December, 2007

P.C.:-

Heard learned Counsel for the Petitioner and learned Counsel for Respondent Nos.1 to 4.

The grievance made by the Petitioner in the instant Writ Petition is that Respondent Nos.1 to 4 have allowed illegal construction in CRZ-III area and have grossly violated the mandate laid down by the Supreme Court in Indian Council for Enviro Action v. Union of India(Jt 1996(4) SC 236). The Petitioner has also made a grievance against Respondent No.4 which according to the Petitioner has acted arbitrarily and illegally inasmuch as it has renewed the lease and/or continued the same despite non payment of outstanding dues to the extent of Rs.15,32,250/- and furthermore has not taken any action for recovery of the same and/or to terminate the said lease. We perused the prayers made in the Writ Petition.

From perusal of the Writ Petition and prayers made therein, we are satisfied that the issues raised in the petition cannot be and need not be gone into and this petition can be conveniently disposed of by the following order:

The Petitioner's representation dated 16-6-2007 annexed to the petition at Exhibit P-1 making the grievance as raised in the Writ Petition addressed to Respondent No.2 shall be decided by Respondent No.2 as expeditiously as possible and preferably within a period of eight weeks from today after giving an opportunity of being heard to the Petitioner and the Respondents and more particularly Respondent No.5. It is open for Respondent No.2 to take appropriate action if the alleged illegal construction is found to be illegal in violation of CRZ Regulations.

It is open for the Petitioner to make independent representation to Respondent No.4 within a week's time. If such a representation is made Respondent No.4 shall decide the same as expeditiously as possible and preferably within a period of twelve weeks therefrom on merits in accordance with law and after giving an opportunity of being heard to the Petitioner and Respondent No.5.

All contentions in the petition are kept open.

Writ Petition is accordingly disposed of.

D. B. BHOSALE, J.

N. A. BRITTO, J.

RD.